

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
STATESVILLE DIVISION**

**5:07cv137**

**DARRYL L. CULP; and BETTIE O. CULP,** )  
 )  
 **Plaintiff,** )  
 )  
**Vs.** )  
 )  
**COUNTRYWIDE HOME LOANS, INC.,** )  
 )  
 **Defendant.** )  
 \_\_\_\_\_ )

**ORDER**

**THIS MATTER** is before the court on plaintiffs' Motion of Discovery. Plaintiffs' motion is premature as discovery will not commence in this matter until such time as the defendant's Motion to Dismiss is resolved. The Motion to Dismiss concerns issues as to the sufficiency of plaintiffs' pleading of fraud and whether they have stated a cause of action. Such are legal issues limited to the pleadings for which discovery is neither permitted nor considered.

**ORDER**

**IT IS, THEREFORE, ORDERED** that plaintiffs' Motion of Discovery (#10) is **DENIED** without prejudice as moot.

Signed: July 21, 2008

Dennis L. Howell

Dennis L. Howell  
United States Magistrate Judge

